IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE P.SREE SUDH

SECOND APPEAL NO: 1467 OF 2005

Appeal Under section 100 of C.P.C. against the Judgment and Decree dated 09-11-2005 made in A.S.No.84 of 2003 on the file of the Court of the V Additional District Judge at Warangal.

Between:

1. M/s. Ashoka Hotel,, Represented by its K. Amarender Reddy, S/o. Venkat Reddy, Occ- Agriculture, Rayaparthi Village and Mandal, Warangal District.
2. Dhommati Komuraiah,, S/o. Muthaiah, Occ- Asst. Statistical Officer, O/o. MRO, Rayaparthi Village and Mandal, Warangal District.
3. Deshineni Venkat Vasantha Rao,, S/o. Venkat Rao, Occ- Junior Assistant, O/o. MRO, Rayaparthi Village and Mandal, Warangal District.
4. Mohd. Abdul Raheem,, S/o. Narayana, Occ- Asst. Teacher, C.P.S., Rayaparthi Village and Mandal, Warangal District.
5. Chinthanuri Ravinder,, S/o. Narayana, Occ- Asst. Teacher, C.P.S., Rayaparthi Village and Mandal, Warangal District.
6. Chidurala Padmadevi,, W/o. Sri Someshwar Rao, Occ- Asst. Teacher of Girls Primary School, Rayapathi Village and Mandal, Warangal District.

...Appellant/Appellant/Defendants

AND

Prathiphala Chit Fund (P) Limited, Warangal., Represented by its Foreman P.Prakasham,S/o.Kailasam R/o. Warangal.

...Respondent/Respondent/Plaintiff

IA NO: 2 OF 2005 (SAMP No. 2986 OF 2005)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all further proceedings in E.P.No. 265 of 2003 in O.S.No. 661 of 2001 on the file of II Addl. Senior Civil Judge at Warangal , Pending disposal of SA 1467 of 2005. on the file of the High Court.

Counsel for the Appellant: SRI. J. VENKATESWARA REDDY, Advocate

Counsel for the Respondent: SRI. A. RAMAKRISHNA REDDY, Advocate

The Court made the following: JUDGMENT

HONOURABLE SMT. JUSTICE P. SREE SUDHA

SECOND APPEAL No.1467 OF 2005

JUDGMENT:

The present appeal has been filed against the judgment and decree dated 09.11.2005 passed in A.S.No.84 of 2003 on the file of the V Additional District Judge, Warangal.

2. Prathiphala Chit Fund Private Limited, Warangal/(respondent/plaintiff) filed O.S.No.661 of 2001 against the appellants/defendants for recovery of an amount of Rs.93,574-50 ps with future interest @ 12 % per annum from the date of suit till realisation. The trial Court considered the oral and documentary evidence and decreed the suit.

3. Aggrieved by the said order, the defendants in the suit filed appeal being A.S.No.84 of 2003, but it was dismissed confirming the Judgment of the trial Court, against which, they preferred this second appeal.

4. Learned counsel for the appellants submitted that they have deposited an amount of Rs.66,200/- while preferring the appeal and also submitted that the said Chit Fund Company became defunct.

5. Learned Counsel for respondent did not turn up, inspite of number of adjournments, as such, it was deemed that there were no arguments on behalf of the respondent and that the Chit Fund Company itself became defunct. The appellants herein cannot get the relief sought for by them in the Second Appeal, as such, Second Appeal itself is not maintainable and is liable to be dismissed. Therefore, this Court without going in to the merits of the case, finds it reasonable to decide that the Second Appeal is not maintainable and is liable to be dismissed.

6. In the result, the Second Appeal is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand disposed of.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional District Judge, Warangal.
2. The II Additional Senior Civil Judge at Warangal.
3. One CC to J VENKATESWAR REDDY, Advocate [OPUC]
4. One CC to A RAMAKRISHNA REDDY, Advocate [OPUC]
5. Two CD Copies

PSR

HIGH COURT

CVR,J

DATED:03/10/2023

JUDGMENT

SA.No.1467 of 2005

DISMISSED.

(7) VLV 19/12/23